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REMARKS

Claims 1-16 have been pending.

Claims 1, 2, 5-8, 11-13 and 16 are rejected under 35 USC 103(a) as being unpatentable over Kenny (US Patent No. 6,381,583) in view of Morris (US Patent No. 6,353,848).

Claims 3, 4, 9, 10 and 14-15 are rejected under 35 USC 103(a) as being unpatentable over the combination of Kenny and Morris and further in view of "Era of robot waltzes in"; Yoshiko Hara; Electronic Engineering Times; Manhasset; Nov. 27, 2000, ISS 1142; pages 1-2 (hereafter referred to as "Robot I") and "The Yomiuri Shimbun/Daily Yomiuri: Robo Doggle has It's day"; The Daily Yomiuri; Tokyo; Nov. 4. 2000; page 1 (hereafter referred to as Robot II).

The Examiner requested correction of minor errors in the specification.

The Examiner objected to claims 4 and 15 for spelling error informalities.

In accordance with the foregoing, the specification and claims 1-3, 5, 7-9, 11-14 and 16 have been amended.

Claim 4, 6, 10, 15 has been cancelled without disclaimer or prejudice.

New claims 17-18 have been added.

Thus, claims 1-3, 5, 7-9, 11-14 and 16-18 are pending and under consideration, which is respectfully requested.

No new matter has been added in this Amendment. The foregoing rejections are hereby traversed.

SPECIFICATION

According to the forgoing, the specification is amended to correct typographical errors, taking into consideration the Examiner's comments. No new matter has been added in the specification. Entry of the amendments to the specification is respectfully requested.

AMENDMENTS TO THE DRAWINGS

Three (3) drawing replacement sheets for FIGS. 1, 5 and 9 are submitted herein as corrected drawings to correct minor typographical errors. In particular, in FIG. 1, box 52, "courol" is corrected to "control;" in FIG. 5, in column 1175 header, the term "indentifier" is corrected to "identifier," and in FIG. 9, "Salomon meunlerer" is corrected to "meuniere."

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Approval and entry of the correct replacement drawing sheets for FIGS. 1, 5, and 9 is respectfully requested.

OBJECTIONS TO THE CLAIMS

Claims 4 and 15 are objected to because of spelling error informalities. The features of claims 4 and 15 as corrected are now incorporated in dependent claims 2 and 13. Claims 4 and 15 have been cancelled. Withdrawal of the objection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 1, 2, 5-8, 11-13 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kenney (U.S. Patent 6,381,583 B1) in view of Morris (U.S. Patent 6,353,848 B1).

Claims 3, 4, 9, 10, 14 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Kenney and Morris as applied to claims 1, 7 and 12 above, and further in view of "Era of robot waltzes in"; Yoshiko Hara; Electronic Engineering Times; Manhasset; November 27, 2000, Iss. 1142, pg. 1, 2 and "The Yomiuri Shimbun/Daily Yomiuri: Robo doggie has it's day"; The Daily Yomiuri; Tokyo, November 4, 2000, pg. 1.

THE INDEPENDENT CLAIMS 1, 7 AND 12.

Independent claims 1, 7 and 12 are amended to incorporate the patentably distinguishing feature of a "robot provided for a real shop and moving around within said real shop." And, the "apparatus for photographing" in independent claims 1, 7 and 12 is replaced with the "a robot including a camera", as described in the specification on page 8, line 21 to page 9, line 8. The claim amendment of, "article, which was selected from among a plurality of articles of one commodity", and "transmitting to said user terminal, said image information of the selected individual commodity article itself to enable a user of said user terminal to evaluate an actual state of the selected article itself" are based on the specification, page 32, line 22 to page 33, line 9, for example.

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More particularly, in contrast to Kenny and Morris, which are relied upon by the Examiner to reject the independent claims 1, 7 and 12, the present invention, using claim 1 as an example, provides:

1. (CURRENTLY AMENDED) A method ~~for~~ of selling a commodity via a network, said method comprising the steps of:

~~if instruction information regarding an arbitrary a designated display manner of an arbitrary individual commodity article, which was selected from among a plurality of articles of one commodity by a user, is received from a user terminal, outputting to a robot including an a camera apparatus for photographing, a first photographing-request for acquiring image information at this moment according to said arbitrary designated display manner of the selected individual commodity article itself, said robot provided for a real shop and moving around within said real shop; and~~

~~transmitting to said user terminal, said image information of the selected individual commodity article itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information photographed taken by said camera apparatus for photographing included in said robot.~~

The examiner states that the present claimed invention is rejectable as being unpatentable over Kenny in view of Morris. However, there is no basis of the combination of Kenny and Morris, because Kenny does not disclose or suggest a real-time image as part of the interactive electronic shopping system. Even if it would be possible to combine Kenny and Morris, there are no description and suggestion in the combined system for the present claimed invention's, "instruction information regarding an arbitrary a designated display manner of an arbitrary individual commodity article, which was selected from among a plurality of articles of one commodity by a user, is received from a user terminal" and "transmitting to said user terminal, said image information of the selected individual commodity article itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information photographed taken by said camera apparatus for photographing included in said robot" (e.g., claim 1). Kenny in column 1, lines 47-48, discloses: "[t]he shopper can examine individual products." However, as described in the Summary of the Invention In Kenny, the image for the product is stored in a computer storage medium in advance, so that Kenny does not provide a real-time image of a product. Because all images for all articles of all products in the shop are not (and cannot practically) be stored in advance, in Kenny, it is not possible for the user to evaluate an actual state of every available selected article itself in real-time.

In other words, in Kenny, the term "individual product" indicates a specific kind or a type

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of the product. On the other hand, in present claimed invention, the recitation "an article, which was selected from among a plurality of articles of one commodity" indicates a particular (or actual) item from many of such items. That is, there is a large difference between the meaning of the "individual product" in Kenny and the present claimed invention's meaning of the "an article, which was selected from among a plurality of articles of one commodity," as follows. As described in the specification, page 5, lines 1 to 5, when the user would like to buy an article of a commodity whose condition (for instance, size, freshness, shape etc.) is different from among the articles, such as perishable foods, the user has to evaluate an actual state of the selected article itself to buy the very best one.

Further, Morris also does not disclose or suggest the present claimed invention, because Morris only discloses accessing a digital image capture unit over a network. Again, even if one combined Kenny with Morris, the combined system would only provide more updated images of an actual shopping facility, but would not provide the present claimed invention's, "outputting to a robot including an a camera apparatus for photographing, a first photographing request for acquiring image information at this moment according to said arbitrary designated display manner of the selected individual commodity article itself, said robot provided for a real shop and moving around within said real shop" and "transmitting to said user terminal, said image information of the selected individual commodity article itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information photographed taken by said camera apparatus for photographing included in said robot" (amended claim 1).

In other words, in contrast to Kenny and Morris, the present claimed invention provides an actual real-time image by providing, "if instruction information regarding an arbitrary a designated display manner of an arbitrary individual commodity article, which was selected from among a plurality of articles of one commodity by a user, is received from a user terminal, outputting to a robot including an a camera apparatus for photographing, a first photographing request for acquiring image information at this moment according to said arbitrary designated display manner of the selected individual commodity article itself, said robot provided for a real shop and moving around within said real shop," which has a benefit of allowing "transmitting to said user terminal, said image information of the selected individual commodity article itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information photographed taken by said camera apparatus for photographing included in said robot" (e.g., claim 1).

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In addition the present claimed invention provides a benefit that because the image information of the selected article at this moment is transmitted, the sold article cannot be selected, and the image of the sold article cannot be transmitted. However, in Kenny, there is no description and suggestion for handling an image of a sold article, because article images are static. This means Kenny does not show the actual state of the selected article itself, but only shows the same information for the same kind of individual product. Namely, according to Kenny, the user cannot evaluate the actual state of the selected individual commodity itself. As for the final selection of the commodity, Kenny only allows the shopper to browse through a virtual duplicate of an actual store by storing in advance product information in a computer storage medium, which differs from the present claimed invention providing, "instruction information regarding an arbitrary a designated display manner of an arbitrary individual commodity article, which was selected from among a plurality of articles of one commodity by a user, is received from a user terminal" and "transmitting to said user terminal, said image information of the selected individual commodity article itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information photographed taken by said camera apparatus for photographing included in said robot" (e.g., claim 1).

Regarding the present claimed invention's patentably distinguishing feature of "said robot provided for a real shop and around within said real shop," the Examiner relies on Robot I and II to reject dependent claim 3. Therefore, the examiner cited the Robot I and II for the use of the robot. However, the Robot I and II show only the capabilities of the currently developed robots, but does not show any application of the robots to the present claimed invention's shopping in which:

if instruction information regarding an arbitrary a designated display manner of an arbitrary individual commodity article, which was selected from among a plurality of articles of one commodity by a user, is received from a user terminal, outputting to a robot including an a camera apparatus for photographing, a first photographing request for acquiring image information at this moment according to said arbitrary designated display manner of the selected individual commodity article itself, said robot provided for a real shop and moving around within said real shop; and

transmitting to said user terminal, said image information of the selected individual commodity article itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information photographed taken by said camera apparatus for photographing included in said robot

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The idea of the present invention as recited in independent claims 1, 7 and 12 is to provide the user with an online shopping presentation with high reality by introducing the robot to the real shop. The present claimed invention is not disclosed or suggested in any of the Robot I and II, in addition to Kenny and Morris. Therefore, the Examiner's rejection arguments is not based on any disclosure or suggestion in Kenny, Morris, Robot I and Robot II, or any evidence that one skilled in the art would be motivated to combine and/or modify Kenny, Morris, Robot I and II to provide the present claimed invention, other than the Examiner relying on hindsight, which is not appropriate for making an obviousness rejection. For example, Robot I discloses using the robot for entertainment and as a helpmate, but fails to disclose what type of help. And Robot II is a dog. The independent claims expressly recite a method of selling a commodity via a network, which is not contemplated by any of the relied upon references, by providing:

1. (CURRENTLY AMENDED) A method of selling a commodity via a network, said method comprising:

if instruction information regarding a designated display manner of an article, which was selected from among a plurality of articles of one commodity, is received from a user terminal, outputting to a robot including a camera, a first request for acquiring image information at this moment according to said designated display manner of the selected article itself, said robot provided for a real shop and moving around within said real shop; and

transmitting to said user terminal, said image information of the selected article itself to enable a user of said user terminal to evaluate an actual state of the selected article itself, said image information taken by said camera included in said robot.

There is no basis for the combination of Kenny, Morris, Robot I and Robot II disclosing the present claimed invention, and the Applicants respectfully request reconsideration by the Examiner.

As described above, the independent claims 1, 7 and 12 are not obvious over the references relied upon by the Examiner.

DEPENDENT CLAIM 2

Cancelled claim 4 has been incorporated into old claim 2.

In addition, the amendment for "to enable said user of said user terminal to see an actual state within said real shop in real time" is based on the specification, page 20, lines 3 to 8, for example.

The examiner states only that Morris teaches a method to enable subsequent request for

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photographing as well as transmitting them back to a user for claim 2. First, however, Kenny cannot show the actual state within the shop in real time. Second, in contrast to any capability that Morris can provide, dependent claim 2 provides the image information while moving to enable the user of the user terminal to see an actual state within the real shop in real time. Therefore, as a benefit, the user can see another customer's shopping and purchased commodities, for example, whereby a motivation to purchase other commodities are given to the user. The present claimed invention as recited in dependent claims 2 also provide the user with another online shopping presentation benefit of high reality in real time. Morris also does not disclose and suggest the above-described viewpoint.

As for the Robot I and II, the same argument as in claim 1 is applied to dependent claim 2. Therefore, dependent claim 2 is not obvious from the references relied upon by the Examiner, and in contrast to Kenny, Morris, Robot I and II, the present claimed invention provides, "if information regarding a selected purchase plan commodity is received from said user terminal, outputting to said robot apparatus for photographing, a second photographing request for acquiring image information for said selected purchase plan commodity; according to said second request, controlling said robot to move while taking image information until said robot reaches an exhibition position of said selected purchase plan commodity ..." (amended dependent claim 2).

DEPENDENT CLAIM 5

Because the meaning of "article" is completely different from the meaning of "individual product" in Kenny, as discussed above concerning independent claims 1, 7 and 12, the meaning of the identification information is also completely different. To confirm that the delivered article is the "selected article itself," the identification information of the "selected article itself" must be obtained. Because the products of the same type are handled as the same ones in Kenny (i.e., because Kenny relies on pre-stored images concerning shopping), this viewpoint benefit of dependent claim 5 cannot not be disclosed or suggested by Kenny.

Therefore, dependent claim 5, which recites, "if a purchase instruction of the selected individual-commodity article is received from said user terminal, acquiring identification information of said selected individual-commodity article itself; and transmitting said identification information of said selected individual-commodity article itself to said user terminal," is not obvious from the references relied upon by the Examiner.

NEW DEPENDENT CLAIM 17

The new dependent claim 17 is based on the specification, page 22, line 7 to page 23,

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line 1.

Because the products of the same type are all handled as the same ones in Kenny (i.e., because Kenny relies on pre-stored images concerning shopping), Kenny cannot provide the present claimed idea of "another article of said one commodity." This is because the meaning of "individual product" in Kenny is different from the meaning of "article" as discussed above concerning independent claims 1, 7 and 12.

In contrast to Kenny and Morris, the present invention as recited in new dependent claim 17 provides,

if third instruction information regarding a selection of another article of said one commodity is received from said user terminal, outputting to said robot, a third request for acquiring image information for said another article at this moment according to said third instruction information; and

transmitting to said user terminal, said image information for said another article to enable said user of said user terminal to evaluate an actual state of said another article itself, said image information taken by said camera included in said robot (emphasis added).

Therefore, new dependent claim 17 is not obvious from the references relied upon by the Examiner.

NEW DEPENDENT CLAIM 18

The new dependent claim 18 is based on the specification, page 23, line 22 to page 24, line 9.

Kenny discloses the audible information is stored. However, the audible information of Kenny cannot represent an actual state within the real shop in real time. In contrast to Kenny, the present invention as recited in new dependent claim 18 provides:

18. (NEW) The method as set forth in claim 1, further comprising:

if a voice request is received, outputting to said robot including a microphone, an instruction to obtain voice information within said real shop; and

transmitting to said user terminal, the obtained voice information to enable said user of said user terminal to represent an actual state within said real shop in real time (emphasis added).

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CONCLUSION

In view of the claim amendments and the remarks, withdrawal of the rejection of claims 1-3, 5, 7-9, 11-14 and 16 and allowance of claims 1-3, 5, 7-9, 11-14 and 16 and new claims 17-18 is respectfully requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
STAAS & HALSEY LLP

Date: May 24, 2004By: 

Mehdi Sheikerz
Registration No. 41,307

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

STATE OF FACSIMILE TRANSMISSION
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